

IN THE UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

BRIGHT CONSTRUCTION, INC.)	
Petitioner,)	
)	
v.)	Case No. 4:12-mc-09028-FJG
)	
CARPENTERS DISTRICT COUNCIL)	
OF KANSAS CITY PENSION FUND)	
and)	
MELMORE CONSTRUCTION, INC.)	
F/K/A DCM CONSTRUCTION, INC.,)	
Respondents.)	

KEITH WINN and DONALD E.)	
GREENWELL, III, TRUSTEES OF THE)	
CARPENTERS DISTRICT COUNCIL)	
OF KANSAS CITY PENSION FUND,)	
a Trust Fund,)	
and)	
CARPENTERS DISTRICT COUNCIL)	
OF KANSAS CITY PENSION FUND,)	
a Trust Fund,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:13-CV-00181-FJG
)	
BRIGHT CONSTRUCTION, INC.,)	
)	
Defendant.)	

JOINT SUBMISSION OF RECORD

COME NOW the parties to this matter, and jointly submit the following list of exhibits as the record for this matter as ordered by this Court in its August 27, 2013 Order (Document 12). With the exception of Joint Exhibits 1 and 2, all exhibits were originally presented by the parties to the arbitrator in the arbitration proceeding by Carpenters District Counsel of Kansas City Pension Fund ("Fund") as the Plaintiff in the underlying arbitration and by Melmore Construction, Inc. f/k/a "DCM Construction, Inc." and Bright Construction, Inc. as Defendants in the underlying arbitration.

All references to exhibits shall be made as follows: "P" signifies the Plaintiff Fund's exhibit presented at the subject arbitration hearing and "D" signifies Defendants' exhibit presented at the subject arbitration hearing.

Joint Exhibit	Original Exhibit	Description
1	N/A	Arbitrator's Award of November 21, 2012
2	N/A	Transcript from October 25, 2012 arbitration proceedings
3	P1	Agreement for Voluntary Recognition executed by DCM Construction, Inc. on January 22, 2003
4	P2	Residential Contract Stipulation executed by DCM Construction, Inc. on January 22, 2003
5	P3	Residential Collective Bargaining Agreement in effect April 1, 2009 to March 31, 2013, between the Carpenters District Council of Kansas City and Vicinity and The Builders' Association
6	P4	The Segal Company Withdrawal Liability Report for Carpenters District Council of Kansas City Pension Fund as of March 31, 2010
7	P5	The Segal Company Actuarial Report and Review for Carpenters District Council of Kansas City Pension Fund as of April 1, 2011
8	P6	The Segal Company Withdrawal Liability Calculation for Carpenters District Council of Kansas City Pension Fund regarding DCM Construction, Inc./Bright Construction, Inc.
9	P7	Remittance Reports of DCM Construction, Inc. from March 2010 to August 2010
10	P8	Carpenters District Council of Kansas City Pension Fund demand for payment of withdrawal liability to DCM Construction, Inc. and Bright Construction, Inc. dated February 23, 2011
11	P9	Request for review of DCM Construction, Inc. and Bright Construction, Inc. dated April 12, 2011 (letter only)
12	P10	Carpenters District Council of Kansas City Pension Fund's response to request for review of DCM Construction, Inc. and Bright Construction, Inc. dated September 9, 2011
13	P11	Request for Arbitration dated October 5, 2011
14	P12/D1	Asset Purchase Agreement between DCM Construction, Inc. and Bright Construction, Inc. dated August 11, 2010
15	P13/D2	Promissory Note executed by Bright Construction, Inc. dated August 11, 2010 (Lender: DCM Construction, Inc.)
16	P14/D3	Promissory Note executed by Bright Construction, Inc. dated August 11, 2010 (Lender: Denise Moore)
17	P15/D4	Personal Guaranty Agreement executed by Bright Construction, Inc. dated August 11, 2010 (Lender: Denise Moore)
18	P16/D6	General Bill of Sale and Assignment and Instrument of Assumption between DCM Construction, Inc. and Bright Construction, Inc., Denise Moore, David Melcher and Richard Bright dated August 11, 2010

19	P17/D7	Articles of Incorporation of DCM Construction, Inc. executed by David Melcher dated January 2, 2003; Bylaws of DCM Construction, Inc. executed by David Melcher dated January 3, 2003; Subscription Agreement of DCM Construction, Inc. and David Melcher dated January 3, 2003
20	P18/D8	Waiver of Notice of Annual Meeting of Shareholders and Board of Directors of DCM Construction, Inc. dated January 3, 2003; Minutes of First Meeting of Shareholders of DCM Construction, Inc. dated January 3, 2003; Minutes of First Meeting of Board of Directors of DCM Construction, Inc. dated January 3, 2003; Waiver of Notice of Second Annual Meeting of Shareholders and Board of Directors of DCM Construction, Inc. dated January 3, 2004; Minutes of Second Meeting of Shareholders of DCM Construction, Inc. dated January 3, 2004; Minutes of Second Meeting of Board of Directors of DCM Construction, Inc. dated January 3, 2004; Waiver of Notice of Third Annual Meeting of Shareholders and Board of Directors of DCM Construction, Inc. dated January 3, 2005; Minutes of Third Meeting of Shareholders of DCM Construction, Inc. dated January 3, 2005; Minutes of Third Meeting of the Board of Directors of DCM Construction, Inc. dated January 3, 2005; Waiver of Notice of Fourth Annual Meeting of Shareholders and Board of Directors of DCM Construction, Inc. dated January 3, 2006; Minutes of Fourth Meeting of the Board of Directors of DCM Construction, Inc. dated January 3, 2006; Waiver of Notice of Fifth Annual Meeting of Shareholders and Board of Directors of DCM Construction, Inc. dated January 3, 2007; Minutes of Fifth Meeting of the Board of Directors of DCM Construction, Inc. dated January 3, 2007; Waiver of Notice of Annual Meeting of the Shareholders of DCM Construction, Inc. dated January 3, 2008; Minutes of the Board of Directors of DCM Construction, Inc. dated January 3, 2008; Statement of Unanimous Consent to Action Taken in Lieu of an Annual Meeting of the Shareholders of DCM Construction, Inc. dated January 3, 2009; Minutes of the Board of Directors of DCM Construction, Inc. dated January 3, 2009; Statement of Unanimous Consent to Action Taken in Lieu of an Annual Meeting of the Shareholders of DCM Construction, Inc. dated January 3, 2010; Minutes of the Board of Directors of DCM Construction, Inc. dated January 3, 2010; Statement of Unanimous Consent to Action Taken in Lieu of an Annual Meeting of the Shareholders of DCM Construction, Inc. dated January 3, 2011; Minutes of the Board of Directors of DCM Construction, Inc. dated January 3, 2011
21	P19/D9	Stock Certificate of DCM Construction, Inc. issued to David Melcher dated January 3, 2003; Stock Certificate of DCM Construction, Inc. issued to Denise Moore dated January 1, 2009; Stock Certificate of DCM Construction, Inc. issued to Denise Moore dated January 1, 2010
22	P20/D10	Letter of Kansas Secretary of State dated August 12, 2010; Certificate of Amendment of DCM Construction, Inc. dated August 11, 2010
23	P21/D11	Kansas Secretary of State Corporate Annual Reports of DCM Construction, Inc. for Tax Closing Dates of 12/31/03; 12/31/04; 12/31/05; 12/31/06; 12/31/07; 12/31/08; 12/31/09; Kansas Secretary of State Corporate Annual Reports of Melmore Construction, Inc. for Tax Closing Date of 12/31/10

24	P22/D12	Missouri Secretary of State business entity information of DCM Construction, Inc. as of April 12, 2011; Missouri Secretary of State Annual Registration Reports of DCM Construction, Inc. filed 8/7/10; 8/29/09; 10/8/08; 12/3/07; 8/29/06; 9/6/05; 8/29/04; 9/9/03
25	P23/D15	Missouri Secretary of State Articles of Incorporation of Bright Construction, Inc. dated June 10, 2010
26	P23/D17	Missouri Secretary of State 2010-2011 Biennial Registration Report of Bright Construction, Inc. filed November 30, 2010
27	P24/D17	Missouri Secretary of State 2012-2013 Biennial Registration Report of Bright Construction, Inc. filed October 12, 2012
28	P25/D18	Missouri Secretary of State Registration of Fictitious Name of DCM Construction, Inc. filed March 30, 2011 (Owner: Bright Construction, Inc.)
29	P26/D19	Waiver of Notice of Meeting of Incorporation of Bright Construction, Inc. and Minutes of Action by Consent of Incorporation dated June 10, 2010
30	P27/D20	Waiver of Notice of Organizational Meeting of Board of Directors of Bright Construction, Inc. and Minutes of Organizational Action by Consent of all Directors dated June 10, 2010
31	P28/D21	Corporation By-Laws of Bright Construction, Inc. dated June 10, 2010
32	P29/D22	Stock Certificate of Bright Construction, Inc. issued to Richard Bright T/O/D Rebecca Bright dated June 10, 2010
33	P30	Check Number 1640 of Bright Construction Inc d/b/a DCM Construction payable to "American Arbitration Association" in the amount of \$625.00 dated October 3, 2011
34	P31	EPA Certified Restoration Firms web page listing "Bright Construction Inc. DBA DCM Construction with an expiration date of May 30, 2017
35	P32	Records of Wilson-McShane Corporation regarding DCM Construction, Inc.
36	P33	List of Common Employees of DCM Construction, Inc. and Bright Construction, Inc. d/b/a DCM Construction, Inc. – 2008 to 2011
37	P34	Letter from David Melcher to Rick Bright (undated)
38	P35	Notes of Justin Kathman of Wilson-McShane Corporation regarding Bright Construction, Inc.
39	P36	List of Common Vendors (DCM Construction, Inc. and Bright Construction, Inc.)
40	P37	List of Common Contracts/Clients (DCM Construction and Bright Construction, Inc.)
41	P38	Task List of David Melcher
42	P39/D97	Payne & Jones (Attorneys) – Billing Statement for period June 14, 2010 to August 13, 2010 and check number 5028 payment memo
43	P40	Communication from Rick Bright to Denise Moore regarding Office Equipment
44	P41/D82	Series of e-mails between David Melcher and Denise Moore regarding Paychex account (October 6-29, 2010)
45	P42	DCM Construction, Inc. - Customer Invoices pre-August 10, 2010
46	P43	Bright Construction, Inc. d/b/a DCM Construction – Customer Invoices post-August 10, 2010
47	P44/D35	Lenexa, Kansas Business License Application of Bright Construction, Inc. dated December 1, 2011
48	P45/D37	Johnson County Contractor Licensing Program of DCM Construction, Inc. – 2011

49	P46/D39	City of Prairie Village, Kansas Contractor License of Bright Construction, Inc. d/b/a DCM Construction dated December 27, 2011
50	P47	DCM Construction, Inc. check number 5057 (2 pages)
51	P48	DCM Construction, Inc. check number 5062
52	P49	Series of emails between Denise Moore and David Melcher (August 23-24, 2010)
53	P50/D42	Document titled "Things to Discuss"
54	P51/D44	DCM Construction, Inc. – Contract Changes
55	P52	Email of David Melcher to Denise Moore and Rick Bright dated July 26, 2010
56	P53/D91	Lease between DCM Construction, Inc. and Denmor Properties, LLC, dated January 13, 2008, for 8345 Wornall Road, Kansas City, Missouri
57	P54/D5	Lease between Bright Construction, Inc. and Denmor Properties, LLC, dated August 11, 2010, for 8345 Wornall Road, Kansas City, Missouri
58	D13	Missouri Foreign Corporation Application for DCM Construction, Inc.
59	D14	Missouri Registered Agent changes for DCM Construction, Inc.
60	D16	Certificate of Incorporation of Bright Construction, Inc.
61	D23	DCM Construction, Inc. – State Auto Policy documents (Policy #: BAP 221838602) from 3/25/10 - 3/25/11
62	D24	DCM Construction, Inc. – State Auto Policy documents (Policy #: PBP 248627102) from 3/25/10 - 3/25/11
63	D25	DCM Construction, Inc. – Accident Fund payment documents (Policy #: WCV 6042563 03 02)
64	D26	DCM Construction, Inc. – Accident Fund refund check dated 11/22/10
65	D27	DCM Construction, Inc. – Accident Fund audit letter documents dated 8/23/10
66	D28	DCM Construction, Inc. – Cancellation request State Auto policy #BAP221838602
67	D29	DCM Construction, Inc. – Cancellation request State Auto policy #PBP2486271
68	D30	DCM Construction, Inc. – Cancellation request Accident Fund policy #WCX6042563
69	D31	Bright Construction, Inc. – Accident Fund payment history documents and cancellation notice policy #WCV6068044 00 02
70	D32	Bright Construction, Inc. - State Auto policy documents Policy #BOP256371700 from 8/11/10 – 8/11/11
71	D33	Bright Construction, Inc. - Allied Insurance payment documents Policy #879412252
72	D34	Bright Construction – Bank of America account records (Account #4339 9311 0018 1056)
73	D36	Bright Construction, Inc. – Mission Hills Occupational License dated 5/1/12
74	D38	Bright Construction, Inc. – Kansas City, Missouri Business License documents
75	D40	DCM Construction – Gross payroll by employee, total income and payments to subcontractors – 8/11/10 - 8/11/11
76	D41	Bright Construction, Inc. – Bank of America statements (Account #5180 0356 9276)
77	D43	7/26/10 email from David Melcher to Denise Moore and Rick Bright
78	D45	DCM Construction, Inc. – Balance sheet as of December 31, 2010

79	D46	DCM Construction, Inc. – Balance sheet as of December 31, 2011
80	D47	DCM Construction, Inc. – Balance sheet as of June 30, 2012
81	D48	DCM Construction, Inc. – Profit & Loss report as of December 31, 2010
82	D49	DCM Construction, Inc. – Profit & Loss report as of December 31, 2011
83	D50	DCM Construction, Inc. – Profit & Loss report as of June 30, 2012
84	D51	Bright Construction, Inc. – 2010 - 2012 corporate tax returns
85	D52	Bright Construction, Inc. – 2010 - 2012 Employee W-2s
86	D53	Bright Construction, Inc. – Paychex account statements and documents
87	D54	DCM Construction, Inc. – 2008 – 2011 corporate tax returns
88	D55	DCM Construction, Inc. – Missouri state tax registration application, documents, correspondence, bond and final return.
89	D56	DCM Construction, Inc. – Capital One credit card statements and correspondence (Account #4802-1323-9635-2760)
90	D57	DCM Construction, Inc. – Bank of America statements and documents (Account #4339 9300 1933 3832)
91	D58	DCM Construction, Inc. – Bank of America statements (Account #0050 4839 9629)
92	D59	DCM Construction, Inc. – Balance sheet as of December 31, 2008
93	D60	DCM Construction, Inc. – Balance sheet as of December 31, 2009
94	D61	DCM Construction, Inc. – Balance sheet as of December 31, 2010
95	D62	DCM Construction, Inc. – Balance sheet as of December 31, 2011
96	D63	DCM Construction, Inc. – Balance sheet as of June 30, 2012
97	D64	DCM Construction, Inc. – Profit & Loss report as of December 31, 2008
98	D65	DCM Construction, Inc. – Profit & Loss report as of December 31, 2009
99	D66	DCM Construction, Inc. – Profit & Loss report as of December 31, 2010
100	D67	DCM Construction, Inc. – Profit & Loss report as of December 31, 2011
101	D68	DCM Construction, Inc. – Vendor credit applications and correspondence
102	D69	DCM Construction, Inc. – Account quick report – shareholder distributions
103	D70	DCM Construction, Inc. – Account quick report – Melcher note payable
104	D71	DCM Construction, Inc. – Missouri application for an Amended Certificate of Authority
105	D72	DCM Construction, Inc. – AFLAC reimbursement documentation
106	D73	DCM Construction, Inc. – Final Kansas City Residential Carpenter Fringe Benefits report
107	D74	DCM Construction, Inc. – State Auto cancellation credit
108	D75	DCM Construction, Inc. – 401K Plan termination form
109	D76	DCM Construction, Inc. – Paychex service termination documentation
110	D77	DCM Construction, Inc. – Kansas Department of Revenue notices of discontinuation of business
111	D78	DCM Construction, Inc. – Kansas Department of Labor notice of discontinuation of business
112	D79	DCM Construction, Inc. – check copies and stubs showing winding-up payments following asset sale to Bright Construction, Inc., Bank of America account #0050 4839 9629 check nos. 5023 - 5029, 5031 - 5033, 5045, 5048, 5049
113	D80	Melmore Construction, Inc. – Wage garnishment of Brandon Davidson

114	D81	DCM Construction, Inc. – Invoices, receipts and check stubs documenting warranty work and payments by DCM Construction, Inc. following asset sale to Bright Construction, Inc.
115	D83	Email thread from Denise Moore to home email address dated 2/17/11
116	D84	Undated memorandum from David Melcher to Rick Bright regarding “Carpenters Agreement”
117	D85	DCM Construction, Inc. – 2010 Form 1096 with attached 1099s
118	D86	DCM Construction, Inc. – 2009 form 5500-SF for 401K plan
119	D87	DCM Construction, Inc. – Certificate from Contractor Licensing Program
120	D88	DCM Construction, Inc. – Shawnee, Kansas business license renewal
121	D89	DCM Construction, Inc. – Prairie Village, Kansas business license
122	D90	DCM Construction, Inc. – Kansas City, Missouri business and contractors licenses
123	D92	Johnson County, Kansas Certificates of Completion of Contractor Licensing Continuing Education for Sam Maupin
124	D93	DCM Construction, Inc. – Residential Contractor Class C licenses, 2003
125	D94	Tom Jones notes of April 19, 2010 meeting with Steve Moore
126	D95	April 20, 2010 letter from Tom Jones to Steve and Denise Moore with Proposed Terms of Sale
127	D96	May 14, 2010 letter from Tom Jones to Steve and Denise Moore
128	N/A	DCM Construction, Inc. and Bright Construction Inc. Motion to Dismiss and Brief in Support (April 2, 2012)
129	N/A	Carpenters District Council of Kansas City Pension Fund's Reply to DCM Construction, Inc. and Bright Construction, Inc.'s Brief (April 23, 2012)
130	N/A	Arbitrator's Decision Denying Motion to Dismiss
131	N/A	Stipulated Facts (Exhibit A to Joint Exhibit No. 128)

Respectfully Submitted,

**MONACO. SANDERS, GOTFREDSON,
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